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Attorneys for Defendants Von Curtis, Inc., P.M.
Advanced Education Inc., Paul Mitchell Advanced
Education LLC, John Paul Mitchell Systems, PMNV Las
Vegas, LLC, PMCA Bakersfield, LLC, PMHBW LLC,
Paul Mantea, D'Ann Evans, Ann-Marie Safadi, Winn
Claybaugh, and John Paul DeJoria

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JESSICA MORALES, BERENISA CORTES
PALOMINOS, DYLAN THOMAS, and FRANCES
HANDCOCK, and behalf of themselves and classes
of those similarly situated,

Plaintiffs,

v.

VON CURTIS, INC., a corporation; P.M.
ADVANCED EDUCATION INC., a corporation;
PAUL MITCHELL ADVANCED EDUCATION
LLC, a corporation; JOHN PAUL MITCHELL
SYSTEMS, a corporation; PMNV LAS VEGAS,
LLC, a corporation; PMCA BAKERSFIELD, LLC,
a corporation; PMHBW LLC, a corporation; PAUL
MANTEA, an individual; D'ANN EVANS, an
individual; ANN-MARIE SAFADI, an individual;
WINN CLAYBAUGH, an individual; JOHN PAUL
DEJORIA collectively dba "PAUL MITCHELL
THE SCHOOL"; and DOES 1 THROUGH 100,

Defendants.

Case No. 4:13-cv-04996-SBA

**JOINT STIPULATION TO
WITHDRAW DEFENDANTS' MOTION
TO TRANSFER VENUE, TO
TRANSFER VENUE, AND VACATE
CONFERENCE AND HEARING
DATES;**

~~PROPOSED~~ ORDER

Complaint filed: Oct. 25, 2013

First Amended Complaint filed:

Apr. 29, 2014

Judge: Hon. Sandra Brown
Armstrong

Trial date: Not set

Plaintiffs Jessica Morales, Berenisa Cortes Palominos, Dylan Thomas, and Frances
Handcock ("Plaintiffs") and Defendants Von Curtis, Inc., P.M. Advanced Education Inc., Paul
Mitchell Advanced Education LLC, John Paul Mitchell Systems, PMNV Las Vegas, LLC, PMCA
Bakersfield, LLC, PMHBW LLC, Paul Mantea, D'Ann Evans, Ann-Marie Safadi, Winn Claybaugh,
and John Paul DeJoria (collectively "Defendants"), by and through their counsel of record, hereby
stipulate and agree as follows:

WHEREAS, Defendants filed a Motion to Dismiss the First Amended Complaint on July 15,
2014, the Court took Defendants' Motion to Dismiss under submission, and the July 29, 2014
hearing date was vacated (ECF No. 43);

WHEREAS, a class action entitled *Gerard et al, v. John Paul Mitchell Systems et al.* was
filed on April 22, 2014, in the Superior Court of Los Angeles County, case number BC543275 (the
"Gerard" case), alleging causes of action against one of the Defendants in this action, John Paul
Mitchell Systems ("JPMS"), as well as "John Paul Mitchell the School," for failure to pay minimum

1 wage and overtime wages under California law and the federal Fair Labor Standards Act, failure to
2 provide meal breaks and rest breaks under California law, failure to provide accurate wage
3 statements under California law, failure to timely pay all earned wages due at time of separation
4 under California law, unfair business practices under California law, unjust enrichment, and civil
5 penalties pursuant to the California Private Attorneys General Act;

6 WHEREAS, JPMS removed the *Gerard* case to the U.S. District Court, Central District of
7 California on June 26, 2014;

8 WHEREAS, on July 21, 2014, the Court ordered the hearing on Defendants' Motion to
9 Dismiss continued to a date after the Court issues an order granting, denying or otherwise resolving
10 an anticipated request for consolidation of this case and the *Gerard* case (ECF No. 48);

11 WHEREAS, on July 30, 2014, Defendants filed a Motion to Transfer Venue of this action to
12 the U.S. District Court, Central District of California, pursuant to 28 U.S.C. section 1404(a) based on
13 the convenience of the parties and witnesses and in the interest of justice (ECF No. 51);

14 WHEREAS, Defendants' Motion to Transfer Venue is scheduled to be heard by the Court on
15 September 9, 2014, at 1:00 p.m.;

16 WHEREAS, counsel for the Parties have met and conferred, and Plaintiffs do not oppose
17 Defendants' Motion to Transfer Venue to the Central District of California;

18 WHEREAS, the Case Management Conference in this case scheduled for September 11,
19 2014, and all related deadlines should be vacated upon transfer of this case to the Central District of
20 California;

21 WHEREAS, there are no other deadlines currently set by the Court that might affect the
22 immediate transfer of venue of this action;

23 IT IS HEREBY STIPULATED by and between Plaintiffs, on the one hand, and Defendants,
24 on the other, through their respective counsel of record, that (i) the Court should immediately enter
25 an order transferring this case to the U.S. District Court for the Central District of California; (ii)
26 Defendants' Motion To Transfer Venue, scheduled to be heard on September 9, 2014, is withdrawn
27 and the hearing on the Motion to Transfer Venue should be vacated; (iii) Defendants' pending
28 Motion to Dismiss is moot given the transfer; (iv) the Case Management Conference scheduled in

1 this Court for September 11, 2014, and all related dates should be vacated; and (v) the Court shall
2 take any and all necessary steps required to transfer all files, materials, all other matters relating to
3 this case to the Central District of California, Western Division, located at 255 East Temple Street,
4 Los Angeles, CA 90012.

5 **IT IS SO STIPULATED.**

6 Dated: August 12, 2014

DUANE MORRIS LLP

7 By: /s/ Julie A. Vogelzang
8 Julie A. Vogelzang
9 Edward M. Cramp
10 Lisa Hird Chung
11 Attorneys for Defendants Von Curtis, Inc., P.M.
12 Advanced Education Inc., Paul Mitchell Advanced
13 Education LLC, John Paul Mitchell Systems,
14 PMNV Las Vegas, LLC, PMCA Bakersfield, LLC,
15 PMHBW LLC, Paul Mantea, D'Ann Evans, Ann-
16 Marie Safadi, Winn Claybaugh, and John Paul
17 DeJoria

14 Dated: August 12, 2014

BRYAN SCHWARTZ LAW
LAW OFFICE OF LEON GREENBERG

16 By: /s/ Adetunji Olude
17 Bryan Schwartz
18 Adetunji Olude
19 Attorneys for Individual and Representative
20 Plaintiff Morales, *et al.*, and the Putative Class

21 ATTESTATION: Pursuant to Civil L.R. 5-1(i)(3), the filer attests that concurrence in the
22 filing of this document has been obtained from each of the other signatories thereto.

23 **ORDER**

24 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

26 Dated: 8/14/2014

27 By: 
28 Hon. Sandra Brown Armstrong
United States District Judge